

FIRST INTERSTATE BANK,	)	Cause No. CV-17-4-BU-BMM
	)	
Plaintiff,	)	
	)	
v.	)	
	)	<b>STIPULATED JUDGMENT AND</b>
BRINSON FARMS, LLC d/b/a BIG SKY	)	<b>DECREE OF FORECLOSURE</b>
GUIDE AND OUTFITTERS OF MONTANA	)	
and JOHN W. LOGAN,	)	
	)	
Defendants.	)	

A. Judgment on the Note in the full sum of \$644,580.21 together with interest at the per diem rate of \$82.20 from November 22, 2017, as well as attorneys' fees, costs, and disbursements against Brinson;

B. The Mortgage is a valid first lien against the Property, as described in Exhibit A attached hereto, and the Mortgage is prior in time and superior in right to any lien, claim, or interest of Defendants save for the priority, if any, granted by Montana law for unpaid taxes;

C. The Mortgage shall be foreclosed, and the Property shall be sold by such decree and according to the laws of Montana governing execution sales;

D. The proceeds of said sale of the Property remaining after deduction of costs thereof shall be applied in payment of the amounts adjudged owing Lender for principal, interest, costs, attorneys' fees and other expenses, and that the surplus, if any, shall be deposited with the Clerk of Court for further disposition;

E. The Defendants and every person whose conveyance, encumbrance, lien, or judgment that has been recorded after the execution of the Mortgage shall be forever barred and foreclosed of any and all right, claim, equity, title, estate or interest in, or lien or encumbrance on, the Property, except the statutory rights of redemption of the Property, if applicable;

F. Lender may become a purchaser at the sale of the Property by making a credit bid, in which case Lender shall deduct from the amounts owed to it under the Note the amount of the credit bid;

G. In the event Lender is the purchaser at the sale of the Property and possession of the Property is not surrendered to Lender, a writ of assistance be issued directing the sheriff of Gallatin County or the U.S. Marshall to deliver Lender possession of the Property;

H. The said purchaser or purchasers of the Property at the foreclosure sale shall be entitled to the rents, profits, income, and immediate possession of the Property from and after the time of the sale;

I. After the statutory period of redemption on the Property, if any, has expired, the sheriff of Gallatin County or the U.S. Marshall shall execute a deed or other instrument of title that may be necessary to convey the Property to the purchaser or purchasers at said sale;

J. If the proceeds of the sale of the Property, after deduction for the costs and expenses thereof, shall not be sufficient to satisfy the amount due, including interest, costs and disbursements, and attorneys' fees, as stated in the prayer for relief, the Lender shall have a deficiency judgment against Brinson; and

K. Judgment on the Guaranty for the full sum of \$644,580.21, together with interest, attorneys' fees, costs, and disbursements against Logan.

Dated this 5<sup>th</sup> day of December, 2017.



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Brian Morris  
United States District Court Judge

## **EXHIBIT A**

The West Half of the Northeast Quarter (W1/2NE1/4), the East Half of the East Half of the Northwest Quarter (E1/2E1/2NW1/4), and the West Half of the East Half of the Northeast Quarter (W1/2E1/2NE1/4) of Section 16, Township Three (3) North, Range Six (6) East, Gallatin County, Montana.